

[8th February 1924]

After lunch 2-30 p.m.

The hon. the PRESIDENT :—“ Before we commence the business of the afternoon, I have to make a remark with reference to the hon. Member Mr. Sami Venkatachalam Chettiar’s complaint about the alterations made in his question regarding Colonel Harley. He was informed by the Secretary that certain alterations had been made by the hon. the President and a copy of the altered question was communicated to him. The question, as altered, was also included in Notice No. 9, a copy of which was duly despatched to him. That must have been on the 29th of January. Since then there was no reply or complaint from him as regards the alteration in the question. And, inasmuch as he was distinctly informed that the alterations had been made by the order of the hon. the President, they should not have been referred to as mutilations by the Council Office. I am perfectly willing to consider any representation by hon. Members regarding modifications suggested in their questions.”

Mr. SAMI VENKATACHALAM CHETTIYAR :—“ I am only speaking from memory subject to correction. I have no doubt received the communication which you have referred to. But my impression is that only a portion of my question was intended to be omitted and that there were certain others which were intended to be allowed. That is my impression. All the same, I will look into the papers once again and, if necessary, write to the Secretary.”

The hon. the PRESIDENT :—“ That is all right.”


II
COMMUNICATIONS TO THE COUNCIL.

The SECRETARY laid on the table * the proceedings of the fifteenth, sixteenth, seventeenth and eighteenth meetings of the Finance Committee for 1923-24, dated 29th, 30th and 31st January and 4th February 1924, respectively.

III**DEMAND FOR SUPPLEMENTARY GRANT FOR 1923-24.*****Grant I.***

Mr. S. SATYAMURTI :—“ Sir, I should like to rise to a point of order, whether this day having been set apart by His Excellency for non-official business any official business can be transacted. I submit that the demand for supplementary grants is an official business. I would submit respectfully that Rule 6 of the Legislative Council Rules says :

‘ The Governor, after considering the state of business of the Council, shall, at the commencement of each Session, allot as many days as are in his opinion compatible with the public interests for the business of non-official Members in the Council, and may from time to time during the Session alter such allotment, and on these days such business shall have precedence. At all other times Government business shall have precedence.’

‘ I submit, therefore, that to-day having been set apart for non-official business, and there being non-official business on the agenda not disposed of and ready for disposal, official business should yield precedence to non-official

* Printed as Appendix VIII on pages 475-486 infra.

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business. My main point is this. I would draw your attention to Standing Order No. 7 which governs the matter which remains over after discussion on an official or a non-official day. It reads :

'All business appointed for any day and not disposed of on that day shall stand over until the next day of the Session available for business of the class to which it belongs'

"Therefore, even if the supplementary demand was to be moved yesterday, it cannot be moved to-day. It can only be moved on the next official day. I would not have raised this technical point were it not for the fact that non-officials are vitally interested in their business. If this procedure is not regulated, as I am sure it will be regulated by you, according to the Rules and Standing Orders, it is perfectly possible for the hon. Members of Government to come down with fifty supplementary grants on a day allotted for non-official business and go on with them for the whole day with the result that we shall lose one non-official day and not do any non-official business. I therefore submit that the hon. Sir Arthur Knapp may be pleased to keep over this official business to the next official day and request you to give a ruling on this matter."

The hon. Sir ARTHUR KNAPP :— "My hon. Friend appeals to me to keep over the moving of this grant till the next day. I am entirely in the hands of the hon. the President. It is the hon. the President who asked me to proceed with the third item on the agenda."

The hon. the PRESIDENT :— "Apparently, the hon. Sir Arthur Knapp is willing either to make his motion to-day subject to the precedence of non-official business or to let his business stand over till to-morrow."

The hon. Mr. C. P. RAMASWAMI AYYAR :— "May I know whether it is intended to sit to-morrow for the transaction of business?"

The hon. the PRESIDENT :— "It may be necessary in order to get on with official business."

The hon. Sir ARTHUR KNAPP :— "Do I understand you, Sir, to suggest that if this demand is taken up to-day, an equivalent period should be given up to-morrow for non-official business?"

The hon. the PRESIDENT :— "Some such arrangement will have to be made."

Diwan Bahadur P. KESAVA PILLAI :— "May I beg to know if the whole of this morning, which was devoted to questions and answers, is to form part of the non-official or of the official day?"

Mr. C. RAMALINGA REDDI :— "May I also point out, Sir, that there is the part-heard Resolution of the hon. Member for Kistna, Mr. 2-45 p.m. Peddiraju, and that, according to the Standing Order quoted just now, should be the first item of business now."

The hon. the PRESIDENT :— "It will be the first item of business to be taken up on the non-official day."

Mr. S. SATYAMURTI :— "Of course, Sir, my wishes have nothing to do with your decision on this matter. You may care to consider them or not, and it is a matter entirely in your discretion to give a ruling on this question, and it cannot also be an arrangement agreed to by the hon. Members concerned. After all I am not much concerned in preventing the hon. Sir Arthur Knapp from making the motion and I do not say anything on the

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merits. But I am raising the point of order in the interests of the quick and regular despatch of business in this House. If my wishes have anything to do in this matter and if the non-official Members agree, non-official business may be taken to-morrow, and nothing will please me better, for there are many resolutions on the Agenda. If it is the opinion and wish of the House that we should go on with any official business to-day, and that we should sit to-morrow and dispose of the non-official business, there is no objection, subject to your ruling."

The hon. Mr. C. P. RAMASWAMI AYYAR :—“Mr. President, if I may say so, I have very great pleasure in agreeing with my hon. friend Mr. Satyamurti (hear, hear) in regard to this matter. Although during this particular Session we have not agreed very often, I am very pleased to be in agreement with him now. I think that the point of order he has raised is correct.”

Diwan Bahadur M. KRISHNAN NAYAR :—“I want to know, Sir, if we can come to an arrangement in this sitting here, anticipating the sanction of His Excellency, as it is after all left to His Excellency to allot another day for the transaction of non-official business. Can we sit here to-morrow without the sanction of His Excellency for the transaction of non-official business? It is left to you, Sir, after hearing the hon. Members on the Government Front Bench to decide this matter.”

The hon. Sir ARTHUR KNAPP :—“With all respect, may I say, Sir, that, now that a point of order has been raised, it would be more satisfactory to the Government Bench that you should give a ruling on the point? I do not think any question of arrangement comes in, as the hon. Member has raised a point of order.”

Mr. S. SATYAMURTI :—“On the point raised by Mr. Krishnan Nayar, may I suggest, Sir, that it is the function of His Excellency the Governor to allot non-official days, but it is your function to say which shall be the non-official days. And if you take note of the time spent on questions and answers this morning and the official business to be done to-day and if you care to allot to-morrow as the non-official day, I do not think, subject to your ruling, that the Rules or Standing Orders will be against it. His Excellency has not stated to us that this day shall be the non-official day, and it is for you to fix that day.”

The hon. the PRESIDENT :—“I am very much obliged to the several hon. Members for signifying to me their wishes in the matter, because I think that in any ruling given on a matter like this it would be best that I should have with me the general sentiment of the House. I understand the House wishes to reckon the day allotted for non-official business from the time at which the hon. Sir Arthur Knapp's motion will have left the hands of the House. It means that we shall sit for either a part or the greater part of to-morrow. So far as I am concerned, I am quite willing to adjourn the business when we have come to the close of the debate to-day and go on to-morrow as long as it may be necessary to carry out that understanding.”

The hon. Sir ARTHUR KNAPP :—“May I, Sir, again, with all respect, point out that the point raised is not that I am not in order in moving this grant, but that at the present moment non-official business should have precedence over other business, and I would ask you, with all respect, to give a ruling on that point of order.”

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The hon. the PRESIDENT :—“I am quite clear that to-day non-official business would have precedence provided we were agreed as to its being the non-official day. But, perhaps, I ought to take the House back a little into past history in order to understand this particular issue. The House is aware that the arrangement about the days for non-official business in our Council is not exactly the same as that, for instance, in the Legislative Assembly. There certain days are appointed for non-official business, whereas here the understanding arrived at between His Excellency the Governor and my predecessor was that a certain number of days should be allotted for the session and that it should be within the discretion of the President to work up to that total, and he worked up to a total of six days. In fact we sat for non-official business, according to his reckoning, for a little over six days if not for quite seven days. On the same principle, I think it is open to me to work out this additional day and I would be justified in beginning the day somewhat later—as I said, as soon as the motion to be made by the hon. Sir Arthur Knapp has left the hands of the House. And so the question of precedence does not arise because the non-official business has not yet commenced.”

The hon. Sir ARTHUR KNAPP :—“I do not wish to argue the matter further. Probably I am labouring under a slight misunderstanding. I understood the announcement made yesterday—I was not present then—was that to-day, Friday, had been assigned by His Excellency for non-official business, and it is on that ground that my hon. Friend’s point of order was raised.”

The hon. the PRESIDENT :—“I added ‘provided that the Government business has come to an end by that time.’”

The hon. Sir ARTHUR KNAPP :—“I was not present then, Sir.”

Demand for Grant I was then taken up.

The hon. Sir ARTHUR KNAPP :—“Sir, I beg to move

that the Government be granted an additional sum of Rs. 17,200 under Land Revenue Department for the grant of special pay to Deputy Collectors employed on settlement work and revision of adangals.

“This demand, Sir, is on all fours with the one which I had the honour to make the day before yesterday in this Council in connexion with the allowances to Survey Officers inasmuch as it represents a sum which was cut out of the Budget last March, but which the Government were anxious to bring again before the Council. They decided not to press it until they had the opinion of the Retrenchment Committee upon it. I do not think it will be necessary for me to explain in detail to this House the reasons why the Government regard the grant of these allowances as a matter of considerable administrative importance. I am quite aware that there are a certain number of hon. Members in this House who were not present at the meeting of March last when my predecessor, Sir Muhammad Habib-ul-lah, explained the whole position in very considerable detail. But at present I prefer to take my stand on the simple position that the Retrenchment Committee has, after the most careful and exhaustive enquiry, deliberately recommended the grant of these allowances under class 3, i.e., ‘because of the arduous nature of the work.’ As I said the other day, I do not for a moment suggest that this House is bound to accept the recommendations of the Retrenchment Committee as a whole, but I do say that from what we know of the manner in which they conducted their inquiry and the amount of

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labour they bestowed upon it, those recommendations are entitled to the greatest consideration, and on that ground I hope the House will see their way to accept this motion and pass the grant."

Diwan Bahadur M. KRISHNAN NAYAR :—“Sir, I was one of those who opposed, and opposed strenuously, the grant of these allowances to Deputy Collectors who are employed on settlement work in all the Budget discussions of 1921, 1922 and 1923. As the hon. the Home Member stated, certainly the recommendations of the Retrenchment Committee as such are not binding on this House, and I myself differ in many respects from the recommendations of that Committee. But with reference to this particular matter I think the House will do well to accept the recommendation of the Committee. The hon. Sir Habib-ul-ah stated in March that settlement work was a specially dangerous work. Of course, I cannot agree with him even now that it is exceptionally dangerous, but I think that it is certainly an arduous work. And seeing that the Indian Civil Service officers who are employed on this work are getting this allowance, let us not make a distinction between Deputy Collectors who are engaged on settlement work and the Indian Civil Service officers who are engaged on the same work and who are getting the allowance. Let us not allow it in the case of one class of officers and refuse it in the case of others. For these reasons, I think the House will be well advised in accepting the recommendation of the Retrenchment Committee and voting for the motion made by the hon. Sir Arthur Knapp.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“I fear, Sir, I have to object to this Grant, because, when once we accede to this proposal, I think we shall again embark upon a policy which we have been objecting to. For some years we have been objecting to duty allowances and also to their conversion into special pay. I do not think any reasons have been advanced in defence of special pay different from the reasons urged last year at the time of the Budget discussion. I think this House will be justified only in standing by the position it had taken in March last on this question. I think there are no special reasons for reopening this matter and for sanctioning this amount at this stage. When once we accept this position, I am quite sure there will be hundreds of other cases with regard to which proposals will come forward for other kinds of duty allowances being converted into special pay. For these reasons I oppose this motion.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“Mr President, this demand if it is introduced as a supplemental demand, is, I think, quite incorrect, because during the March session, the Budget for this year was put forward and in that Budget this item of duty allowance was by a vote of this House rejected, and His Excellency the Governor did not certify it. From that it means that no expenditure can be incurred as the Grant stands. Now, if I understand the nature of the Grant correctly it comes to this. We are not supplied this time with any explanatory notes as was the practice set up at the last sitting.

“It is a grant to revive an item of expenditure which was rejected by the House. Now, I would draw the attention of the House to
3 p.m. Rule 32 of the Legislative Council Rules :

‘32 (1) An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year.’

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"The present demand cannot be made under this head; for this is not an item which was voted in the Budget. Government included the item in the Budget, but this House omitted it. So, the grant cannot be asked for under Sub-Rule (i). Sub-Rule (ii) says :

'(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.'

"The grant is not due to a new service not contemplated in the Budget. It is an item which was contemplated in the Budget and rejected by this House. On the other hand it cannot be an extra expenditure on account of any items included in the Budget and voted for. Therefore, I submit, Sir, that this cannot come in the shape of a supplemental grant. If this is allowed, then the House, consistent with the previous proceedings in this Council, should reject it. I take objection to its appearing as a supplementary grant under Rule 31. I hope you will rule it out, Sir, on the ground of its not being a supplementary grant."

Mr. B. MUNISWAMI NAYUDU:—"I oppose this motion for a grant, because thereby the Council will be practically giving its assent to the general recommendations of the Retrenchment Committee on the question of allowances, as to which allowances have to be retained and what have not to be retained. Sir, no discussion has yet taken place in this House as to whether the Report of the Retrenchment Committee is to be adopted by this House either wholly or in part. No motion of that kind has yet come either from the side of the Government, or from that of the non-official members in this House, and any such motion would be relevant at the time of the Budget. The question is whether, when the Retrenchment Committee has recommended that certain allowances might be retained and that certain others need not be retained, and when my hon. Friend, Mr. Krishnan Nayar, said that he himself finds some of those recommendations not quite agreeable, we shall commit ourselves by accepting one part of it and thereby stultify ourselves when we come to discuss the general question as a whole. Before we are able to vote on this question, I may ask for information from the hon. the Home Member as to whether the Government accepted the Resolution of the House cutting down the Budget provision for special pay or whether they did not accept it, whether the particular officers for whom this allowance is now claimed were drawing the allowance from 1923. If they were not drawing that, and if the allowance that has been disallowed is now attempted to be restored and given to them in one lump sum, I submit there is no hurry about it. The whole question of allowances, whether they are to be continued or not, might well be postponed and better considered at the time when the Budget is presented for discussion. Because, on the question of a demand for Grant, if this House on the motion of any official or non-official Member should now consider the general policy of allowances and come to certain decisions, then it may be that during the Budget discussion some decision contrary to the one we may arrive at now might be come to, and I am sure the hon. the Home Member will then stand up and say 'you are now taking up a position inconsistent with the one you took up before'. For this reason, I would request the hon. the Home Member to see that, whatever may be the smallness of the amount involved in this matter, yet it involves a principle, and I would request the hon. the Home Member not to press this now, but to wait until the presentation of the Budget when we shall have a fuller opportunity for discussing what particular advice of the Retrenchment Committee we shall accept and what not."

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The hon. the PRESIDENT :—“ I wish to know from the hon. Member, Mr. Narasimha Raju, under what provision he objects to this supplementary grant ? ”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ I object to the grant, Sir, under Rule 32 of the Legislative Council Rules (Volume I, page 165) :

‘ 32. (1) An estimate shall be presented to the Council for a supplementary or additional grant when—

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.’ ”

The hon. the PRESIDENT :—“ Does the hon. Member mean that the whole of this grant was rejected ? A portion of the grant was struck off by a vote of the House.”

Rao Bahadur C. V. S. NARASIMHA RAJU :—“ My construction of the first clause is this. Here the word used is not ‘ Demand ’, but ‘ Grant ’. We were supplied with the details of the Grant in the Budget. In the Budget as presented to this House there was an item of allowance to Settlement Officers, and that item was specifically omitted by a vote of this House.”

The hon. the PRESIDENT :—“ I understand that that was not a grant. We all know what is meant by a ‘ grant ’. We speak of a particular vote—which is the expression used in the House of Commons—as a grant, and what was struck out in this House was an item in a grant. It seems to me that the grant that was voted was the grant that was asked for, less a certain item that was struck out. If so, and if the grant that was voted is not sufficient, I do not see why the Government should not ask for a certain amount of supplementary grant.”

Mr. C. RAMALINGA REDDI :—“ Can an identical item which was thrown out by the House be discussed again, Sir ? ”

The hon. the PRESIDENT :—“ I was coming to that. What is the provision under which the identical item should not be discussed again ? If hon. Members will refer to it, they will find under ‘ General Rules of Procedure ’ that :

‘ A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session.’ ”

“ Hon. Members will find corresponding provisions of a like tenor elsewhere.”

Mr. E. W. LEIGH :—“ Mr. President, in answer to that I think we must admit that this item was one which was cut out by this House at the last Budget meeting. But surely, Sir, the interpretation to be put upon it is that this House at that time did not recognize the need for this allowance. Is there anything, Sir, to prevent the House at this time, now that we have come before it and asked for the provision from recognizing that there is need for it although they did not recognize it at the time the last Budget was passed ? The House has heard one Member of the Finance Committee. There are other Members of the Finance Committee here who were present when this discussion took place. I would ask the House not to think that because they are accepting particular items, therefore they are asked to

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swallow the Report of the Retrenchment Committee as a whole. We are not asking that at all. We are asking the House to reconsider their decision with regard to this particular item which, we think, is a matter of some importance, because we have to get work from these officers and we have to treat them adequately. As regards the proposal to defer this item until the presentation of the Budget, of course it was quite open to the hon. the Home Member to have deferred it until the Budget time and then to have put it in the Budget when, perhaps, it might have escaped notice. But, personally, I do not like that sort of method. It is much better that we go to the House and face the question openly and ask the House if it would make the Grant."

The hon. Sir ARTHUR KNAPF :—“As a matter of personal explanation, Sir, I do not know whether I am right in thinking that the impression created by my hon. Friend's remarks may be that it was I who suggested such a method and that his own personal opinion was to the contrary. I did not suggest any such thing, Sir.” (Laughter.)

Mr. E. W. LEGH :—“I did not mean to suggest any such thing, Sir. What I was saying was that it is much better that we should face the House and ask it to reconsider its decision than that we should put it in the Budget and attempt to get through it in the hope that the House will not notice it. Therefore it is that I would ask the House to consider the need for this Grant and accept it.”

Mr. S. SATYAMURTI :—“Just one word, Sir, not on the merits of this Grant, but on the point raised by the hon. Member, Mr. Narasimha Raju. I think, Sir, that it is common ground now that this Grant was in the Budget of last year and was rejected by this House.”

The hon. the PRESIDENT :—“This item was in the Grant.”

Mr. S. SATYAMURTI :—“Yes, Sir, this item was in the Grant. My humble submission to you, Sir, and to this House is that there is no provision in the Rules of the Legislative Council, or in the Standing Orders, for an item which has been omitted by a vote of this House being restored again by the vote of the House. There are only two ways in which it can be done: either by His Excellency the Governor exercising the extraordinary powers conferred on him under the provisions of the Government of India Act, or by the Executive re-appropriating the money from one grant to another grant, leaving it to the Public Accounts Committee to bring it to the notice of the House later on and take the censure of the House if it thinks fit to give any. Subject to these extraordinary provisions, I submit that Rule 32, which permits supplementary grants, Rule 31, which permits excess grants, and Rule 26, which deals with Demands for Grants, make this matter absolutely clear. You will see from the Agenda that this item comes under the heading ‘Demand for Supplementary Grant for 1923-24.’ If you will turn to the Rules you will find this:

‘32 (1) An estimate shall be presented to the Council for a Supplementary or Additional Grant when—

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year.’

“Therefore, Sir, there must be some amount voted first, even Rs. 10; and if they want Rs. 1,000, then they can go to us and say: ‘Give us now

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Rs. 990'. When no amount at all is sanctioned, they cannot really come afterwards and ask for an excess or a supplementary grant. Then the second clause is this :

(ii) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the Budget for that year.'

"*A fortiori* this Demand does not come under that clause. This is not a new service not contemplated in the Budget, but this is a service for which the House did not agree to make any provision. Therefore, this is not a demand for a supplementary grant as defined under Rule 32 of the Legislative Council Rules.

"Then, Sir, Rule 31 refers only to 'Excess Grants' where money has been spent in excess of the amount granted. That has not been done. If you will now turn to Rule 26, you will find this :

'26. (1) A separate demand shall ordinarily be made in respect of the Grant proposed for each department of the Government, provided that the Finance Member may in his discretion include in one Demand Grants proposed for two or more departments, or make a Demand in respect of expenditure such as Famine Relief and Insurance and Interest, which cannot readily be classified under particular departments. Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct.'

'(2) Each Demand shall, contain, first, a statement of the total Grant proposed, and then a statement of the detailed estimate under each Grant divided into items.'

"Therefore, this must have been presented either as a separate Demand for a Grant, or as a separate item under a major Grant. I do not know how it was proposed, but whatever it was, it was proposed either as a Demand for a Grant as a major head, or as a Demand for an item under a major head. In any case, it was rejected by the House. I therefore submit that except under the extraordinary powers vested in the Governor, or by the Executive re-appropriating the money and then coming to this House through the Public Accounts Committee, they cannot move for the Grant when no amount was voted in the Budget, or when no new service is contemplated and when the item was once rejected by the House. Therefore, I submit, Sir, that this Demand is wholly out of order."

Rao Bahadur C. V. S. NARASIMHA RAJU :— "I want to draw your attention, Sir, and through you, the attention of the hon. the Law Member to the words :

'the amount voted in the Budget of a Grant is found to be insufficient for the purposes of the current year'

contained in Rule 32 (1) (i) of the Legislative Council Rules.

"Sir, my submission is this : my interpretation of the expression 'for the purposes of the current year' is that it includes the whole list of the Budget items. All the items that are mentioned there do indicate the purposes for which the Grant has to be spent. Every item of the Budget is indicated or denoted by the use of the words 'for the purposes of the current year.' Any item which was rejected by this House ceased to be a purpose for which the Grant was to be utilized. Here, when this House has rejected the duty allowance of the Settlement Officers, that purpose ceased to be one of the purposes of the Grant, and therefore it cannot under any pretext come under the first portion of the Rule and it cannot also come under the second portion because it is not a new item or a new purpose."

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Mr. C. V. VENKATARAMANA AYYANGAR :—“ I want only to remind the House and the hon. the Home Member of the ruling given by the late President in this House, almost at the end of the Session in March last, and the hon. the Home Member himself withdrew after that ruling his repeated Demand for the Agency district. It was stated . . . ”

The hon. Sir ARTHUR KNAPP :—“ My impression is that it was then a question of discussing a matter twice in the same Session.”

Mr. C. V. VENKATARAMANA AYYANGAR :—“ But the effect of it will be the same (laughter). It was said that it did not matter whether it came in the same Session or in a subsequent Session. If at any time the Government wants to give effect to a Resolution of this House rejecting an item, then they cannot bring a Supplementary Grant whether it is in the same Session or in another Session. So far as that ruling goes, they are not entitled to bring any Supplementary Grant of the kind.”

The hon. Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I must confess that I have not been able to give as much time to the consideration of this question as its importance demands. But inasmuch as I have been called upon to advise you, Mr. President, on this matter, may I say this? According to the General Rules of Procedure under the Standing Orders, Standing Order 30 lays down that

‘A motion must not raise a question substantially identical with one on which the Council has given a decision in the same Session.’

“ The implication of that rule is this: I take it that, albeit the Council has given a decision either adverse or otherwise on a subject in one Session, if the subject is brought forward in the next Session, then there is no limitation in regard to it. That is the general rule of procedure. The construction therefore that has to be placed upon this has to be governed by that general consideration, namely, that this is a separate Session, and the question that it was discussed, debated upon or decided in the last Session is therefore not a deciding factor in the ruling which will be given by the hon. the President.

“ Leaving that out of account, the only other matter to be considered and decided is whether under Rule 32 there is anything inherently wrong or obnoxious in the mode of making this presentation of the Supplementary Demand. Now, an estimate has to be presented to the Council for a supplementary or additional Grant in certain cases. If we keep out of mind altogether the fact that the Council debated on the subject and arrived at a contrary decision formerly, if we dismiss that consideration from the mind, then the only one question we have to consider is, ‘is it the amount voted in the Budget of a Grant and is that found insufficient for the purpose of the current year?’ Now, it was a Grant—an item of a Grant is a different thing from a Grant—and throughout these rules that distinction has been preserved, and, if I may say so with respect to you, Sir, my present conclusion is that the tentative ruling that you have given is correct.”

The hon. the PRESIDENT :—“ It seems to me clear, that what the hon. the Law Member, who has interpreted these two rules with considerable lucidity, has stated is the correct interpretation. I do not think that we are debarred from considering this item merely because it was struck out in the last Budget Session. We are now in a new Session, and I suppose, for this

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purpose, we may also recollect that a new Council is dealing with the item. The hon. the Home Member may possibly derive from that fact additional support for getting the decision of the last Session revised."

The hon. Sir ARTHUR KNAPP :—“Mr. President, the opposition so far has proceeded entirely on grounds of principle. I take it therefore that I was right in presuming that it was not necessary for me to go into the details or to explain the reason why the Government first, and then the Retrenchment Committee, regarded the work of the Settlement Officers as particularly arduous, and why the Retrenchment Committee made this recommendation. The hon. Member, Mr. Krishna Rao, said perfectly rightly that no new reasons have been advanced over and above those advanced last year. He is perfectly correct. There are no new reasons to be advanced. The Settlement Officers' work is just as arduous and just as difficult now as it was last year when the Budget was before this House and when Mr. Habib-ul-lah Sahib argued the case of these unfortunate officers. I call them ‘unfortunate’ because when even the Retrenchment Committee has said that their work justified the allowance, it seems to be hard on them to say, on a point of principle, they should now be refused the allowance which they fully expected to get last year. I did not myself intend to make any reference to the certification by His Excellency the Governor. But the hon. Member opposite has made a reference to it. This being the case, I may be permitted to refer to the fact that His Excellency purposely mentioned that he had considered the question of certification and decided that instead of proceeding further with the consideration, it was more proper to leave the matter for the consideration of the Retrenchment Committee. Now that public announcement represents what I have just referred to as a sort of half promise, or more than half promise, that these Settlement Officers, if the Retrenchment Committee approved the allowance in their case, are going to get it. And, as I said, it will be particularly hard upon them if their claim having been admitted after the fullest possible investigation they are to be told that either because the Council last year were not in favour of it or on some technical ground, it is not possible for them to have what they have been long expecting.

“One other point which my hon. Friend, Mr. Muniswami Nayudu, made is that this matter may very well be left to be decided on the Budget, or rather the whole question of the acceptance or consideration of the Retrenchment Committee's proposal may be left to be dealt with in the Council then. While it may be reasonable to raise that question, it seems to me to be equally reasonable to ask why we should postpone compliance with the recommendation of the Retrenchment Committee. I trust that the House, putting aside any technical question or questions of order, will be agreed that the Settlement Officers having been found by the Retrenchment Committee to be deserving of that allowance, the Council might as well give them with good grace the allowance to which the Retrenchment Committee, a body consisting of representatives of this Council, have found them to be entitled.”

Mr. A. RANGANATHA MUDALIYAR :—“I am sorry, Sir, that the hon. the Home Member has brought in some considerations which to my mind he need not have introduced in the debate. He has told us that he has made a promise in advance to these people, and he mentions that to force the Council,

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so to speak, into a compliance with his request. I wish he had not done so. But, at the same time, I have always been of the opinion, and I still continue to be of that opinion, that the Settlement Officers deserve a certain consideration for the nature of work they are doing. These officers are drawn from the cadre of Deputy Collectors, and any one who knows their work in detail would be able to say at once and without any hesitation that their work is certainly more difficult, more exacting, and, if I may say so, costing them more than is the case with the ordinary Deputy Collectors. These people have not the same conveniences and facilities for work as their brother officers have in the Revenue department, and I do think that, considering the nature of their work, they are entitled to the allowance for which the Supplementary Demand is made in this House. After all, while this House is helpless, so to speak, so far as members of the higher services are concerned, it so happens that it is very hard on the members of the Provincial Service. And they are not particularly a covetous lot. In the evidence they gave before the Public Services Commission, they have shown themselves to be Indians first and anything else afterwards. I think no discrimination should be made against them more particularly in view of the services which we cannot touch. Taking all these into consideration, I submit that these officers should be given the allowance for which this Supplementary Grant is asked."

Mr. R. VEERIAN :—“ Before I begin, I may assure you, Sir, that I am not a pessimist. I am going to make only a short speech (laughter). But it will be very interesting (loud laughter), enthusiastic and full of sense ('hear, hear' and cheers). Sir, if I remember right, these Deputy Collectors are composed of Indians only. For Collectors and Sub-Collectors, who are all Indian Civil Service officers, we pay special allowance for such kind of work. I do not know, Sir, the reason why we should be against paying the special allowance to these Deputy Collectors who are deputed to look after special work. Therefore, Sir, I am in sympathy with this motion, and I strongly support it. I know that all my hon. Friends will come forward and support this motion. With these few remarks, I request the House to pass the Grant.”

The motion was then put and carried, and the Grant was made.

IV

MOTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

LEVY OF A FEE ON LANDS TO BE INCLUDED IN THE AYACUT REGISTERS.

In the absence in his seat of the hon. Member Mr. P. Peddiraju, the hon. Member Mr. J. D. SAMUEL, with the leave of the House, moved the following resolution :—

That this Council recommends to the Government that Notification No. 451, dated 9th December 1920, published in the 'Kistna District Gazette' for levying a fee on lands to be included in the ayacut registers should be cancelled.

In doing so he said :—“ Mr. President, Sir, I thank this hon. House for their courtesy in allowing me to move this motion on behalf of the ryots of the Kistna district. It may be of some interest to the hon. Members of this House to know a little of the notification adverted to in the Resolution. It is this, and I shall give it very shortly.